

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nelson et al.

Serial No. : 09/242,202

Group Art Unit: To Be Assigned

Filed : May 10, 1999

Examiner: To Be Assigned

For : A VECTOR FOR POLYNUCLEOTIDE VACCINES

ASSISTANT COMMISSIONER FOR PATENTS
BOX PCT
Washington, D.C. 20231

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

Sir:

I hereby certify that the attached 1) Response to Notification of Missing Requirements Under 37 U.S.C. 371; 2) Combined Declaration and Power of Attorney; 3) Transmittal of Declaration Pursuant to C.F.R. 1.53 with check in the amount of \$130.00 to cover surcharge fee; 4) Petition and Fee for Extension of Time (37 C.F.R. §1.36(a)) with check in the amount of \$380.00 to cover extension of time; 5) copy of Form PCT/DO/EO/905; and 6) Return postcard (along with any paper(s) referred to as being attached or enclosed) and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Assistant Commissioner for Patents, BOX PCT, Washington, D.C. 20231.

11/03/1999 PVOLPE 00000006 09242202

01 FC:116
02 FC:154380.00 OP
130.00 OP

Date: October 29, 1999

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By: Dorothy R. Auth
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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: BOX PCT

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated August 23, 1999, submitted herewith is a Combined Declaration and Power of Attorney and Transmittal of Declaration Pursuant to 37 C.F.R. §1.53(d). Also enclosed is a copy of Form PCT-1533.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500. Order No. 2026-4236US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By: Dorothy R. Auth
Dorothy R. Auth
Registration No. 36,434

Date: October 29, 1999

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS
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Washington, D.C. 20231

01/14/99
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U.S. APPLICATION NO. 097242, 202	FIRST NAMED APPLICANT NELSON	ATTY. DOCKET NO. E 2026-4236US1
WILLIAM S FEILER MORGAN & FINNEGAN 345 PARK AVENUE NEW YORK NY 10154		INTERNATIONAL APPLICATION NO. PCT/US97/14306
5611		I.A. FILING DATE 08/14/97
		PRIORITY DATE 08/14/96

DATE MAILED:

08/23/99

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- ☐ a Designated Office (37 CFR 1.494),
 - ☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 11 Feb 1999 and

☒ Information Disclosure Statement(s) filed 10 May 1999 and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Lamont Hurd
National Stage Processing
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